

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

DAVID L. HAWKWING,

Petitioner,

-vs-

DOUGLAS WEBER, Warden, SDSP,

Respondent.

CIV. 09-4073

ORDER

Petitioner David L. Hawkwing, an inmate at the South Dakota State Penitentiary, has applied for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Magistrate Judge issued a Report and Recommendation recommending that the Petition be dismissed with prejudice as barred by the statute of limitations. Petitioner filed no objections to the Report and Recommendation.

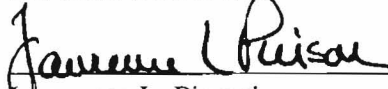
After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

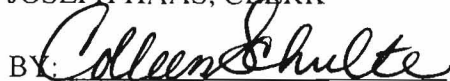
1. The Report and Recommendation (Doc. 15) is ADOPTED.
2. Respondent's Motion to Dismiss (Doc. 13) is GRANTED.
3. Petitioner's application for writ of habeas corpus (Doc. 1) is dismissed with prejudice.

Dated this 4th day of March, 2010.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
(SEAL) DEPUTY